

ORDINANCE NO. _____

AN UNCODIFIED ORDINANCE OF THE COUNTY OF LASSEN, STATE OF CALIFORNIA,
REGARDING ANNUAL REVIEW AND ADOPTION OF A MILITARY EQUIPMENT USE POLICY
PURSUANT TO AB 481

THE BOARD OF SUPERVISORS OF THE COUNTY OF LASSEN, STATE OF CALIFORNIA,
ORDAINS AS FOLLOWS:

WHEREAS, Governor Newsom signed AB 481 (Cal. Gov't Code 7070-7074) into law on September 30, 2021; and

WHEREAS, the legislative intent behind AB 481 is to increase public transparency by which California law enforcement agencies fund, acquire, and/or use military equipment, as defined under AB 481; and

WHEREAS, AB 481 requires California law enforcement to obtain approval of their applicable governing body, by adoption of a military equipment use policy, prior to taking certain actions related to the funding, acquisition, and/or use of military equipment; and

WHEREAS, AB 481 requires California law enforcement agencies that receive approval for a military equipment use policy to submit to the applicable governing body an annual military equipment report for each type of military equipment approved by the governing body within one year of approval, and annually thereafter so long as the military equipment is available for use; and

WHEREAS, pursuant to California Government Code 7071 (e)(1), this Ordinance shall be reviewed by the Board of Supervisors at least annually, and based on an annual military equipment report that will be submitted to the Board of Supervisors pursuant to AB 481, the Board of Supervisors shall determine whether each type of military equipment identified in the report has complied with the standards of continued approval.

WHEREAS, pursuant to AB 481, the Lassen County Board of Supervisors adopted Ordinance No. 2022-13, an uncoded urgency ordinance to adopt a Military Equipment Use Policy, at a regular meeting on December 13, 2022; and

WHEREAS, the Lassen County Sheriff's Office held a public meeting on October 12th, 2023, at 1415 Sheriff Cady Lane, Susanville, California, in conformance to AB 481.

NOW, THEREFORE, THE LASSEN COUNTY BOARD OF SUPERVISORS ORDAINS AS FOLLOWS:

Section 1.

The Board of Supervisors hereby finds that:

1. The military equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.
2. The proposed military equipment use policy will safeguard the public's welfare, safety, civil rights, civil liberties.
3. The equipment is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety.
4. The military equipment use policy was not previously in effect, however, actions have been taken to remedy nonconforming uses, and ensure future compliance.
5. As required by California Government Code Section 7072(b) the Lassen County Sheriff's Office held a conveniently located community engagement meetings, a public

meeting, on October 12th, 2023, at 1415 Sheriff Cady Lane, Susanville, California, for the purpose of which the general public could discuss and ask questions regarding the annual military equipment report and the Lassen County Sheriff Department's funding, acquisition and use of military equipment.

Section 2.

The attached Policy 709 "Military Equipment", and the attached Policy titled "Military Equipment Use Policy" is adopted as Lassen County Sheriff's Office Policies.

Section 3:

Severability. If any provision of this Policy or the application thereof to any person or circumstance is held invalid, the remainder of this Policy, including the application of such part or provision to other circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Policy are severable. The Board of Supervisors hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one (1) or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be held unconstitutional, invalid, or unenforceable.

Section 4:

This Ordinance shall take effect thirty (30) days after the passage hereof, and before the expiration of fifteen (15) days after its passage, a copy shall be published once, with the names of the Supervisors voting for and against same in the Modoc Record newspaper of general circulation printed and published in the County of Modoc, State of California.

Introduced at a regular meeting of the Board of Supervisors on the 14th day of November 2023, and passed and adopted by the Board of Supervisors of the County of Lassen, State of California, on the ____ day of _____, 20____, by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

CHAIRMAN OF THE BOARD OF SUPERVISORS
COUNTY OF LASSEN, STATE OF CALIFORNIA

ATTEST:
JULIE BUSTAMANTE
Clerk of the Board

I, Michele Yderraga, Deputy Clerk of the Board of the Board of Supervisors, County of Lassen, do hereby certify that the foregoing resolution was adopted by the said Board of Supervisors at a regular meeting thereof held on the ____ day of _____, 20____.

Deputy Clerk of the County of Lassen
Board of Supervisors